

## REMARKS

### A. Request for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action but remain of the position that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the amendments to the claims, amendments to the specification, and the following remarks.

### B. The Invention

The present invention is directed to a toner that prevents stain resulting from adhesion of the toner to the fixing unit.

In one of the novel aspects of the invention, the toner is a yellow toner that includes o-anisidine in an amount of 50 ppm or less.

### C. Claim Status and Amendments

Claims 1-5 and 7-22 are presented for further prosecution. Claim 6 has been canceled and claims 21-22 had been added by this amendment. Claims 12-20 have been withdrawn from consideration.

Claims 1 and 11 have been amended to recite that the toner is a yellow toner. Support for this amendment can be found in Tables 2 and 3 on page 33 of the application.

Claims 1, 3, 5, 9, 10, and 11 have been amended to recite that the aromatic amine is o-anisidine. Support for this amendment can be found in pars. 3-4 on page 6 and in par. 3 on page 32 of the application.

Claims 21 and 22 have been added to recite that the coloring agent is C.I. pigment yellow 74. Support for this amendment can be found in par. 3 on page 32 of the application.

D. Affirmation of Election

Applicants had provisionally elected to prosecute the invention of group I, claims 1-11. Applicants confirm this election.

In accordance with MPEP § 821.04(b), Applicants reserve the right to rejoin withdrawn method claims 12-20 if the product claims are allowed and if the method claims include the limitations of the product claims.

E. Specification Objections and Amendments

The Examiner objected to the specification for failing to capitalize the trademarks. Applicants have capitalized the trademarks in this amendment.

F. Claim Rejections under 35 U.S.C. § 102(b)

Claim 11 had been rejected as being anticipated by Tosaka (U.S. 2002/0058193). Claims 1-6 and 9 had been rejected as being anticipated by Tosaka.

Tosaka had been cited to teach a toner composed of a colorant and an aromatic amine.

1. Tosaka does not teach or suggest a yellow toner including o-anisidine

In order to maintain an anticipation rejection under § 102, the prior art must teach or suggest each and every limitation of the claimed invention.

Applicants have amended claims 1 and 11 to recite that the toner is a yellow toner including o-anisidine.

Tosaka does not teach or suggest the toner of claims 1 and 11. Instead, Tosaka teaches a magenta toner (par. 39-43). In addition, although Tosaka broadly teaches an aromatic amine in par. 56, Tosaka does not specifically teach o-anisidine. Thus, Tosaka does not teach or suggest a yellow toner including o-anisidine.

Applicants therefore respectfully submit that Tosaka does not teach or suggest each and every limitation of claims 1 and 11 as required to maintain an anticipation rejection under § 102.

G. Claim Rejections under 35 U.S.C. § 103(a)

Claims 1-6 and 9 had been rejected as being unpatentable over Tosaka. Claim 10 had been rejected as being unpatentable over Tosaka. Claims 1-11 had been rejected as being unpatentable over Yamazaki (U.S. 2002/019582) in view of Tosaka.

For the obviousness rejection based on Tosaka, Tosaka had been cited to teach a toner including an aromatic amine. For the obviousness rejection based on the combination of Yamazaki and Tosaka, Yamazaki had been cited to teach a toner including a colorant. The Examiner stated that it would be obvious to add the pigment composition with the aromatic amine of Tosaka to the toner of Yamazaki.

1. Tosaka teaches away from a yellow toner including o-anisidine

Tosaka is directed to a magenta toner (pars. 39-43). The magenta toner of Tosaka includes an aromatic amine represented by Formula (3) (par. 56-58). Tosaka does not teach a yellow toner including o-anisidine as mentioned above.

In the examples of Tosaka, Tosaka employs 3-amino-4-methoxybenzanilide in a magenta toner (pars. 309 and 343). 3-amino-4-methoxybenzanilide is not o-anisidine. In addition, yellow toner (1-2) mentioned in par. 343 of Tosaka is a

comparative example that does not employ ortho-anisidine (see par. 336).

The examples of Tosaka therefore employ a magenta toner with an aromatic amine other than ortho-anisidine. Thus, Tosaka clearly directs one of skill in the art to employ a magenta toner with compounds that are not o-anisidine.

Tosaka therefore teaches away from the claimed invention, because a) Tosaka teaches a magenta toner; and b) Tosaka employs aromatic amines other than ortho-anisidine.

Applicants therefore respectfully submit that it would not be obvious to employ a yellow toner including o-anisidine based on the teachings of Tosaka.

2. The claimed invention is not obvious based on the combination of Yamasaki and Tosaka

The Examiner recognized that Yamazaki does not teach a toner having an aromatic amine. The Examiner stated that it would be obvious to add the aromatic amine of Tosaka to the toner of Yamazaki.

As discussed above, Applicants submit that it would not be obvious to employ a yellow toner including o-anisidine based the teachings of Tosaka. Thus, it is respectfully submitted that the present invention is not obvious based on the combined teachings of Yamazaki and Tosaka.

H. Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Payment of \$50 for one additional dependent claim over 20 is paid concurrently herewith. Should any extensions of time or further fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account # 02-2275.

Respectfully submitted,

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